

Appl. No. 10/637,221
Reply to Office Action of January 29, 2007
Amendment Dated July 30, 2007

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REMARKS

Claims 1-53 stand rejected. Claims 1, 25 and 46 have been amended while claim 47 has been cancelled herein. Therefore, claims 1-46 and 48-53 are pending and at issue. The specification has also been amended herein.

Applicants are submitting herewith a Petition for a three month extension of time and corresponding fee.

Claims 1-27 stand objected to regarding the phrase "such as" in claim 1. This phrase has been deleted. Claim 25 stands objected to regarding antecedent basis for the phrase "the support member." This phrase has been amended to recite "the support system."

Claims 41-45 stand rejected under 35 U.S.C. § 112 as failing to comply with the enablement requirement. The Office Action alleges that the phrase "the scan image having a top planar envelope" is not described in the specification. This feature, as well as the associated processing techniques, are described throughout the specification. More specifically, these features are highlighted at least on page 23, line 13 through page 25, line 14. Furthermore, the specification has been amended to recite the specific phrase "the top planar envelope." One skilled in the art would understand the meaning of this phrase as used in the claims in view of the cited portions of the specification. Therefore, the amendment to the specification does not introduce new matter. Subsequently, this rejection of claims 41-45 should be withdrawn.

Claims 1, 2, 6, 7, 9, 10, 17-20, 24, 25-27, 46, 49 and 50-53 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Carr. This rejection should be

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withdrawn as Carr fails to disclose or suggest one or more recited features in the claims.

Claim 1 has been amended to recite, amongst other structure, a support system to support the patient comfortably and to support the patient's breast in a fixed position while the patient lies in a prone position on the table. Carr simply fails to disclose or suggest this structure. In fact, Carr discloses just the opposite, with the patient laying in a supine position. Furthermore, the scan system of Carr would be inoperable if the patient were laying in a prone position as the probe 14 is operated by hand above the patient. Therefore, the rejection of independent claim 1, as well as dependent claims 2, 6, 7, 9, 10, 17-20, 24, 25-27 should be withdrawn.

Independent claim 46 has been amended to include all of the features of dependent claim 47. As claim 47 was rejected under 35 U.S.C. § 103 as being unpatentable over Carr in view of Meaney et al., this rejection will be discussed with reference to amended claim 46. Claim 46 has been amended to recite, amongst other features, an examination table having an optically transparent scan plate affixed to the table. Carr does not disclose such features, but instead discloses a thermally insulating interface pads 30l,r. As plainly seen in the figures of Carr, these pads are not affixed to the table. Additionally, as described in the specification of Carr, the pads are made of materials such as closed cell foam (column 9, lines 25-42) and therefore are not optically transparent. Meaney et al. similarly fails to disclose the recited scan plate. In fact, the Office Action fails to indicate how Carr in view of Meaney et al. renders claim 47 (now amended claim 46) unpatentable as Meaney et al. was only cited for allegedly

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suggesting the use of optical images. Meaney et al. fails to disclose any scan plate whatsoever. Therefore, as Carr and Meaney et al., each taken alone or in combination, fails to disclose or suggest the features recited in amended claim 46, this rejection should be withdrawn.

Claims 49-53 depend from and more specifically recite the features of independent claim 46. Therefore, this rejection should also be withdrawn.

Claims 3-5, 8, 21, 22, 28-38, 41-45 and 47 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Carr in view of Meaney et al. Claim 47 has been cancelled and is no longer at issue.

Claims 3-5, 8, 21 and 22 depend from and more specifically recite the features of independent claim 1. As discussed *supra*, Carr fails to disclose or suggest one or more features of independent claim 1, including a support system to support the patient comfortably and to support the patient's breast in a fixed position while the patient lies in a prone position on the table. Meaney et al. similarly fails to disclose this recited structure. In fact, Meaney et al. fails to disclose any form of support structure whatsoever. Therefore, as Carr and Meaney et al., each taken alone or in combination, fails to disclose the recited features, this rejection should also be withdrawn.

Claim 28 recites similar features to those recited in amended claim 1. Specifically, claim 28 recites, amongst other features, having a patient lie prone on a table. As discussed *supra*, Carr and Meaney et al., each taken alone or in combination, fails to disclose the recited features. Therefore, for similar reasons to those presented regarding claim 1, this rejection of claim 28 should also be withdrawn.

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Claims 29-38 depend from and more specifically recite the features of independent claim 28. Therefore, this rejection should also be withdrawn.

Claim 41 recites, amongst other steps, generating a 3D generated scan image of an organ, the scan image having a top planar envelope, generating a photo image of the imprint having the sized field of view and overlaying the photo image on the top planar envelope. As correctly acknowledged by the Office Action, Carr fails to disclose or suggest any photo or other optical imaging. To overcome this deficiency, the Office Action combines Meaney et al. with Carr. However, as acknowledged by the Office Action, Meaney et al. utilized a 3-D optical image which is overlaid on the entirety of a 3-D scan. However, claim 41 recites overlaying the photo image on the top planar envelope, which is not 3-D, but is instead a flat 2-D image. The method recited in claim 41 does not require the complex calculations and computing to create and overlay a 3-D image on a 3-D scan, as disclosed in Meaney et al. Instead, the 2-D image is overlaid on the top planar envelope, which is also 2-D. Therefore, as Carr and Meaney et al., each taken alone or in combination, fails to disclose or suggest the method of claim 41, this rejection should be withdrawn.

Claims 42-45 depend from and more specifically recite the features of independent claim 28. Therefore, this rejection should also be withdrawn.

Claims 11, 12, 13-16 and 39-40 stand rejected as allegedly being unpatentable over Carr in view of Haddad et al. As discussed above regarding claims 1 and 28, Carr fails to disclose a table and/or method having a patient laying prone on the table.

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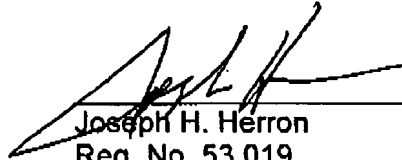
Haddad adds nothing in this regard. Therefore, as claims 11, 12, 13-16 depend from claim 1 and claims 39-40 depend from claim 28, this rejection should also be withdrawn.

Applicant requests a three month extension of time. The Commissioner is hereby authorized to charge the fee to Seyfarth Shaw Deposit Account No. 19-1351.

Applicants respectfully request entry of the present amendment, reconsideration of the rejection of claims 1-46 and 48-53 and allowance of the case. The Patent Office is authorized to deduct any fees from Deposit Account No. 19-1351 to cover any additional fees. If such a withdrawal is made, please indicate the attorney docket number (25633-446600) on the account statement.

Respectfully submitted,

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